

UNITED STATES DISTRICT COURT

# DISTRICT OF NEVADA

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NADA ABBAS,

Case No. 3:24-cv-00206-MMD-CSD

**Plaintiff,**

## ORDER

v.

MUSCLE MARKETING USA, INC.,

Defendant.

This action arises from Plaintiff's purchase of ATP-Creatinol Serum from Defendant Muscle Marketing USA, Inc. (ECF No. 1.) Plaintiff alleges the serum contained a substance prohibited by World Anti-Doping Agency regulations which Defendant failed to disclose, resulting in Plaintiff's suspension from her professional sports competition. (*Id.*) Before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Craig S. Denney, recommending that the Court strike Defendant's answer and enter default against Defendant under Fed. R. Civ. P. 55(a). (ECF No. 34.) Defendant had until February 10, 2025, to file an objection. To date, no objection has been filed. For this reason, and as explained below, the Court adopts the R&R in full.

Because there was no objection, the Court need not conduct de novo review, and is satisfied that Judge Denney did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Judge Denney recommends striking Defendant’s answer and entering default against Defendant for its failure to “otherwise defend” this action under Rule 55(a). (ECF No. 34.) Judge Denney granted Defendant’s former counsel’s motion to withdraw and warned Defendant that it must file a substitution of counsel by January 21, 2025, because a corporation cannot represent

1 itself. (ECF No. 29.) Defendant did not heed Judge Denney's warning and to date,  
2 Defendant has not substituted counsel. The Court thus finds that Judge Denney did not  
3 clearly err and will adopt the R&R in full.

4 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
5 No. 34) is accepted and adopted in full.

6 The Clerk of Court strike Defendant's answer (ECF No. 11) and enter default  
7 against Defendant under Fed. R. Civ. P. 55(a).

8 It is further ordered that Plaintiff has 30 days to file a motion for default judgment,  
9 addressing the factors for obtaining default judgment articulated in *Eitel v. McCool*, 782  
10 F.2d 1470, 1471-72 (9th Cir. 1986).

11 It is further ordered that Plaintiff's motion regarding discovery (ECF No. 33) is  
12 denied as moot.

13 DATED THIS 31<sup>st</sup> Day of March 2025.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE